

Chapter 32

SOLID WASTE MANAGEMENT

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***Cross references**—Buildings and building regulations, ch. 8; environment, ch. 16; manufactured home parks, ch. 26; utility requirements for manufactured home parks, § 26-93; water and sewer, ch. 42.

State law references – Solid waste management generally, G.S. 130A-290 et seq.; solid waste management plans, G.S. 130A-294; authority to enact ordinances governing the removal, method and manner of disposal, depositing or dumping trash, debris, garbage or litter, G.S. 153A-132.1; authority to regulate the storage, collection,

transportation, use, disposal of solid wastes, G.S. 153A-136; special provisions for solid waste collection and disposal, G.S. 153A-291 et seq.

ARTICLE I. IN GENERAL

Sec. 32-1 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Beneficial fill means fill material consisting only of inert debris strictly limited to concrete, brick, concrete block, used pavement asphalt, uncontaminated soil, rock, and gravel. The fill activity involves no excavation, and the purpose of the fill is to improve land use potential. Construction and demolition debris and land-clearing debris are not beneficial fill material.

Bulky waste means large items of solid waste, such as automobiles, large auto parts, trees, branches, stumps, and other oversized waste whose large size precludes or complicates their handling by normal waste collections and disposal methods.

County means the county public health department, environmental health section.

Cell means compacted solid waste completely enveloped by a compacted cover material.

Construction and/or demolition debris means solid waste resulting solely from construction, remodeling, repair or demolition operations on buildings or other structures, but does not include inert, land-clearing or yard trash debris. Roofing shingles are considered construction or demolition debris.

Demolition debris means solid waste resulting solely from demolition of buildings or other structures, but does not include inert, land-clearing or yard trash debris. Roofing shingles are considered demolition debris.

Disposal means discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land so that such solid waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

Division means the director of the division of solid waste management or the director's authorized representative.

Division of solid waste management means the state department of environment, health, and natural resources, solid waste management division, solid waste section.

Domesticated animal means any of various animals, such as cats, dogs, cows, hogs, horses, sheep, etc, domesticated by man to live and breed in a tame condition.

Garbage means all putrescible solid wastes, including vegetable matter, animal offal, carcasses of animals, and recognizable industrial byproducts, but excluding human body

waste and animal manure. Used milk cartons or other discarded food containers are included in this definition.

Hazardous waste means a solid waste or combination of solid wastes which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may:

- (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
- (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Health director means the county health director or his duly authorized representative.

Individual demolition debris disposal site means an on-site landfill that is used only for disposal of demolition debris generated on the same parcel or tract of land and that has a disposal area of one acre or less.

Inert debris means solid waste which consists solely of material that is virtually inert, such as brick, concrete, used pavement asphalt, rock, and clean soil, but does not include construction and demolition debris.

Junk dealer means any person who is licensed to operate a junkyard as specified in chapter 44 regulating junkyards and junk dealers.

Land-clearing debris means solid waste which is generated solely from land-clearing activities, such as stumps, trees, limbs, brush, grass and other naturally occurring vegetative material.

Leachate means any liquid, including any suspended components in liquid, that has percolated through or drained from solid waste.

Open burning means any fire wherein the products of combustion are emitted directly into the outdoor atmosphere and are not directed thereto through a stack or chimney, incinerator, or other similar devices.

Open dump means a solid waste disposal site that does not have a permit and/or does not comply with the rules set forth in G.S. 130A-294, the state solid waste management program, or in this chapter; a consolidation of solid waste from one or more sources at an illegal disposal site which may have unsanitary conditions and little or no cover.

Person means any individual, firm, governmental unit, organization, partnership, corporation, company or other legal entity.

Premises means each single residential dwelling unit housed in a building used for residential purposes, or manufactured home, or a structure used for residential purposes on any property. The term "premises" also means each unit contained in any

structure serving a separate owner, tenant, lessee, or used for any purpose other than residential.

Putrescible means solid waste capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors and gases, such as kitchen wastes, offal, and carcasses.

Refuse means all nonputrescible waste.

Sanitary landfill means a method of disposing of solid waste on land in a sanitary manner without creating nuisances or hazards to public health or safety by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of compacted earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary.

Solid waste means any hazardous or nonhazardous garbage, refuse; sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility; domestic sewage and sludge generated by the treatment thereof in sanitary sewage collection, treatment and disposal systems; and other material that is either discarded or being accumulated, stored or treated prior to being discarded or has served its original intended use and is generally discarded, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, institutional, commercial, and agricultural operations, and from community activities. The term does not include the following:

- (1) Fowl and animal fecal waste;
- (2) Solid or dissolved material in:
 - a. Domestic sewage and sludge generated by the treatment thereof in sanitary sewage collection, treatment and disposal systems which are designed to discharge effluent to the surface waters;
 - b. Irrigation return flows (water which was artificially supplied for Irrigation of land and has returned to a former place or state by reversed flow or negative pressure. Such water may contain chemicals or contaminants); and
 - c. Wastewater discharges and the sludge incidental thereto and generated by the treatment thereof which are point sources subject to permits granted under section 402 of the Federal Water Pollution Control Act, as amended, and permits granted under G.S. 143-215.1 by the environmental management commission; except that any sludge that meets the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act (PL 94-580), as amended, shall also be a solid waste for the purposes of this chapter;
- (3) Oils and other liquid hydrocarbons controlled under G.S. 143-215.75 --143-215.104; except that any such oils or other liquid hydrocarbons that meet the criteria for hazardous waste under the Federal Resource

conservation and Recovery Act (PL 94-580), as amended, shall also be a solid waste for the purposes of this chapter;

- (4) Any radioactive material as defined by the North Carolina Radiation Protection Act, G.S. 104E-1—104E-23; or
- (5) Mining refuse covered by the North Carolina Mining Act, G.S. 74-46-74-68, and regulated by the state mining commission, as defined under G.S. 143B-190; except that any specific mining waste that meets the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act (PL 94-580), as amended, shall also be a solid waste for the purposes of this chapter.

Spoiled food means any food which has been removed from sale by the United States Department of Agriculture, the state department of agriculture, the Food and Drug Administration, or any other regulatory agency having jurisdiction in determining that food is unfit for consumption.

White goods means inoperative and discarded refrigerators, ranges, water heaters, freezers, and other similar domestic or commercial large appliances.

Yard trash means solid waste resulting from landscaping and yard maintenance such as brush, grass, tree limbs, and similar vegetative material.

Yard waste includes both yard trash and land-clearing debris, as defined in G.S. 130A-290, including stumps, limbs, leaves, grass, and untreated wood. (Code 1995, § 505.01)

Cross reference—Definitions generally, ? 1-2.

Sec. 32-2. Exclusive collection permits.

For the purpose of providing for proper collection, transportation, and disposal of solid waste within the county, the board of commissioners may create specific geographic areas where exclusive collection permits may be granted. (Code 1995, §505.02)

Sec. 32-3. Licenses and permits.

- (a) Pursuant to G.S. 153A-421—153A-450, the county manager, as agent, may prepare a resolution for the board of commissioners granting a license to any person to engage in the collection and disposal of solid waste. The board may grant to those licensed under this chapter the exclusive right to collect, transport, and dispose of solid waste for compensation within the entire county or within specified areas of the county and may prohibit unauthorized persons from engaging in the same service within the area where the exclusive right has been granted. The permit shall be displayed at the licensee's place of business.
- (b) All applicants for a permit to collect, transport, store, and dispose of solid waste and recyclable materials and own and operate a materials recovery

facility shall file written application with the county manager on or before one year prior to the expiration of the existing franchise contract and shall furnish the following information:

- (1) The name and address of the applicant and the nature of the business entity with full disclosure of all ownership interests.
 - (2) A list of the equipment possessed, available, or to be obtained by the applicant.
 - (3) The number of employees the applicant expects to use in the operation of the business.
 - (4) Previous experience of the applicant in solid waste collection, transport, disposal, and materials facility recovery management.
 - (5) A balance sheet or equivalent financial statement prepared by a certified public accountant or other person satisfactory to the board of commissioners as of the close of the applicant's last business year, showing the net worth of the business. All such financial data submitted in compliance with the requirements of this subsection shall be confidential and shall not be regarded as public information.
 - (6) Plan routes and areas of the county the applicant expects to serve.
 - (7) The schedule of fees the applicant plans to charge.
 - (8) Any other information the board of commissioners may request.
- (c) If a permit is withdrawn, surrendered, or a change is otherwise indicated by the parties or the operation of law, the board of commissioners reserves the right to review information, take application, and take the appropriate action on any other time schedule as is appropriate.
- (d) The board of commissioners prefers a single franchise to provide all of the services stated in this section, including but not limited to collection, transportation, storage, and disposal of solid waste as well as management of a materials recovery facility, but reserves the right to enter into more than one franchise agreement with each element of the solid waste service, including but not limited to collection, transportation, storage, and disposal of solid waste as well as management of a materials recovery facility.
- (e) Existing contracts shall be subject to a yearly review with the Information designated in subsection (b) of this section being presented to the county manager upon his request at any time during the fiscal year when a franchise contract is in operation.
- (f) The county manager shall bring before the board of commissioners Applications for permits and a review of existing contracts to collect, transport, and dispose of solid waste and own and operate a materials recovery facility on or before six months prior to the expiration of an existing

franchise agreement and will grant the applicant adjudged by the board of commissioners to be most suitable an exclusive permit for the collection of solid waste in each of such areas. The term of the permit shall not exceed 30 years from the effective date and shall be renewable.

- (g) The board of commissioners reserves the right to receive applications for permits and the right to create additional areas out of any one or more of the areas previously designated at any meeting following an application filed with the county manager at least 15 days prior to the meeting. The board of commissioners furthermore reserves the right to withdraw any permit granted upon satisfactory proof of the inability of the licensee or upon the failure of the licensee to properly perform the duties covered by the permit and contract in a proper and satisfactory manner after the licensee has been given an opportunity for a hearing before the board by written notice, setting out the time and place of the hearing, ten days before the hearing.
- (h) If a permit has been granted to a licensee for any one or more of the areas and the licensee, for any cause, ceases to perform the services required of him and it is determined that his license shall be revoked or if the licensee otherwise for any cause ceases to perform the services required by the permit and contract, the board of commissioners shall, at its first meeting, held subsequent to the expiration of 15 days after the cessation of services or the surrender of the permit, receive applications for a permit for the area involved and at the meeting grant to the applicants who, in the judgment of the board, are suitable an exclusive permit for the period commencing with the date of such meeting and ending the subsequent June 30.
- (i) The licensee shall serve every person who contracts with him for Solid waste collection in such a manner that the licensee does not cause the person to be in violation of this chapter. The licensee shall not discriminate against any person for contract purposes in violation of the Civil Rights Act, as amended, on the basis of race, color, creed, religion, national origin, physical impairment, or sex.
- (j) Before the county issues a permit pursuant to this chapter, the county manager shall determine that all facilities, equipment, and proposed operating methods the applicant plans to use in the solid waste collection business are in compliance with this chapter and applicable regulations of the state commission for health services.
- (k) It shall be unlawful for any person to engage in the business of collecting, transporting, and disposing of solid waste, outside of any municipality, but within any one of the areas in the county set out in this section, except under the authority in full force and effect given by a permit as provided for in this section. (Code 1995 § 505.03)

Sec. 32-4. Fees.

- (a) All residential, commercial, industrial, and special haul service rates imposed pursuant to this chapter shall be approved by the board of commissioners.
- (b) The licensee shall be responsible for the collection of all fees for his services to be rendered to the citizens and customers within his assigned area.
- (c) The licensee shall collect and the customer shall pay a monthly fee, approved by a resolution of the board of commissioners, for roadside collection and disposal of solid waste and for collection of materials separated for recycling from the customer's premises at least once a week.
- (d) The licensee shall provide special haul services to all persons within the county, at a rate approved by the board of commissioners.
- (e) For additional services and for commercial customers, the customer and the licensee may enter into an agreement satisfactory to them as to fees and the services to be rendered. If a licensee and customer are unable to agree upon the special services to be rendered and the remuneration to be paid therefore, the board of commissioners will, upon application of either the licensee or the customer or both of them, mediate the dispute at a hearing of the matter at its next regular meeting subsequent to the expiration of not less than ten days after the applicant for a hearing has given the other party involved written notice of his intent to present the matter to the board or as soon after the expiration of the ten days as is convenient.
- (f) Any change in any collection rates, whether it be residential, commercial, or special hauling, must be justified to an appropriate committee of the board of commissioners and be agreed to and approved by the board.
- (g) The licensee shall serve all customers on state-maintained roads within his territory who apply for such service. Services may be discontinued if a customer becomes in arrears in fees due the licensee for two months; however, the licensee shall resume services for the customer who becomes in arrears in fees upon receipt by the licensee of all fees in arrears, together with a fee in advance for the then-present month and for each subsequent month. New customers may be billed one month in advance of service. Code 1995, § 505.04)

Sec. 32-5. Collection and transportation of solid waste.

- (a) The licensee shall be responsible for the satisfactory collection and transportation of all solid waste in his area to a county-operated disposal site or facility.

- (b) Vehicles or solid waste containers used by the licensee for the collection and transportation of garbage or refuse containing garbage shall be covered, leakproof, durable and of easily cleanable construction. These shall be cleaned as often as necessary but not less than twice a year to prevent a nuisance or insect breeding and shall be maintained in good repair. The licensee shall have adequate solid waste container and vehicle cleaning facilities. The licensee shall close all lids on solid waste containers after the containers are emptied and shall plug all drains in solid waste containers where required by local and state regulations. Vehicles shall display, in three-inch letters, the name and address of the hauler and the cubic yardage of the vehicles.
- (c) Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak or spill therefrom and shall be adequately secured and/or covered to prevent spillage therefrom. Should spillage occur, the material shall be recovered immediately by the solid waste hauler and returned to the vehicle or container and the area properly cleaned.
- (d) The licensee shall maintain in his employment a sufficient number of employees to adequately serve the area assigned to him and shall own and control sufficient equipment and machinery to perform the duties and services of collecting, transporting and disposing of the solid waste in the county.
- (e) The licensee shall be responsible for actively campaigning for new Customers by using all available sources and for working toward the goal of 100 percent collection in his designated area. (Code 1995, § 505.05)

Sec. 32-6. Storage, accumulation and disposal of garbage and solid waste.

- (a) No owner, occupant, tenant, or lessee of any property shall deposit, store, or permit to accumulate any garbage or solid waste upon such property that is not stored or disposed of in the following manner:
 - (1) It shall be unlawful for any person to store any garbage in any Container that is not durable, rust-resistant, nonabsorbent, watertight, rodent proof, and easily cleanable with a close-fitting, fly tight cover in place with adequate handles or bails to facilitate handling, not to exceed a 35-gallon capacity, or other types of containers conforming to the intent of this chapter. It shall also be unlawful for any person to store garbage of a perishable or offensive nature for more than one week in any type of container.
 - (2) Solid waste or garbage shall not be deposited, stored, or permitted to accumulate on any property in such a manner that it will provide food or harborage for rodents and vermin or will create a fire or safety hazard.

- (3) It shall be unlawful for any occupant of any dwelling or dwelling unit to place or leave outside of any building longer than 72 hours any dilapidated furniture, ice-box, refrigerator, stove or other appliance, machinery, equipment, building material, or other item which is either in a wholly or partially rusted, wrecked, junked, dismantled or inoperative condition, which in the opinion of the health director constitutes a potential public health problem. This section shall not apply to a licensed junk dealer.
- (4) It shall be unlawful for any person to leave outside of any building or dwelling, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind which has an airtight snap lock or other device thereon without first removing the snap lock or doors from the icebox, refrigerator or any other container of any kind which is crated, strapped, or locked to such an extent that it is impossible for a child to obtain access to any airtight compartment thereof.
- (5) No person shall throw, dump, deposit or cause to be thrown, dumped, or deposited solid waste on property owned by the person, another person, or on any public highway, street or road; upon public parks or recreation areas; or upon any other public property except that property specifically designated for that use.
- (6) It shall be unlawful for any person to dispose of garbage or solid waste at any place other than in a manner approved by law. acceptable means of solid waste disposal includes the following:
 - a. Contracting with franchised garbage service.
 - b. Hauling garbage and solid waste to a public sanitary landfill site or designated county-owned solid waste convenience centers (residential waste only).
 - c. Burning solid waste in an incinerator that has all required local, state, and federal air pollution control permits.
 - d. By any other method, including reclamation and recycling processes, that has been approved by the state division of health services.
- (7) Where there are five or more premises located in a residential Building or manufactured home park, it shall be the responsibility of the owner or person in charge of each building or manufactured home park to contract with the licensed garbage collector and to pay for the regular collection of all garbage from each premises. An owner of a multipremises building or manufactured home park may apply to the health director for an exemption if he can show that he is now disposing of garbage in a safe and sanitary manner as outlined in this chapter. It is the responsibility of the owner or person managing rental property to see that the residents dispose of their garbage in a lawful manner.

- (b) Any landfill located in the county shall be operated according to rules and regulations providing standards for solid waste disposal adopted by the state commission for health services, North Carolina Administrative Code (NCAC), title 15A, chapter 13, Solid Waste Management. The operational requirements for a sanitary Landfill as outlined in the NCAC, title 15A, chapter 13, Solid Waste Management, or as amended, are made a part of this Chapter by reference.
- (c) The sanitary landfill of the county may be used for the disposal of solid wastes by any person who is a resident of the county during regular hours of operation of the landfill. Solid wastes shall be disposed of at the landfill in the manner and according to the procedures required by the landfill superintendent. The following wastes may not be disposed of in the landfill:
- (1) Radioactive wastes.
 - (2) Hazardous waste.
 - (3) Infectious wastes.
 - (4) Wet sludge.
 - (5) Bulky wastes.
 - (6) Any solid waste that creates a difficult operational problem at the landfill.
 - (7) Burning material.
 - (8) Cable, wire, springs, steel, and similar materials in large quantities or in lengths exceeding three feet.
 - (9) Dead animals in large quantities.
 - (10) Lead-acid batteries.
 - (11) Used oil.
 - (12) Yard trash, except in landfills qualified for such use as described by the appropriate regulations promulgated by state waste management or other appropriate governmental entities.
 - (13) White goods.
 - (14) Antifreeze.
 - (15) Beverage cans.
 - (16) Any other materials prohibited by state or federal law.
- (d) A person operating or having operated an open dump for disposal of solid waste or a person who owns land on which such as open dump is or has been operating shall immediately close the site in accordance with the state division of solid waste management, which is as follows:
- (1) Implement effective vector control, including baiting for at least two weeks after closing, to prevent vector migration to adjacent properties.
 - (2) If the site is deemed suitable by the division or by county environmental health, compact and cover existing solid

waste in place with two feet or more of suitable compacted earth; a condition of closing the site by compacting and covering the waste in place shall be recordation of the waste disposal location by the property owner with the register of deeds in the county where the land lies. Copies of the recordation procedure may be obtained from and inspected at the division of solid waste management or by county environmental health.

- (3) If the site is deemed unsuitable by the division or by the county, remove and place solid waste in an approved disposal site or facility.
- (4) Implement erosion control measures by grading and seeding.
- (5) Prevent unauthorized entry to the site by means of gates, chains, berms, fences, and other security measures approved by the division or the county and post signs indicating closure for a period designated by the division or the county not to exceed one year.

All persons failing to comply with this subsection (d) shall be guilty of a misdemeanor and punished in accordance with section 1-14 on the first offense in the discretion of the court with each day that the violation

continues to exist being considered a separate and distinct offense until the dumping site has been corrected as required.

- (e) All persons using sanitary landfills or solid waste containers operated by the county shall abide by the rules and regulations governing their use, and a violation of such rules and regulations shall constitute a violation of this chapter and violators may be punished in accordance with section 1-14 in the discretion of the court with each day a violation continues to exist being considered a separate and distinct offense.
- (f) No building shall be erected on any land where there has been or is currently any garbage or solid waste deposited until tests are made of the property showing there is not danger in the future of settling or explosion due to methane gas being formed from the solid waste that has been deposited.
- (g) Any person collecting and transporting solid waste generated on his own property for disposal at an approved disposal site shall comply with section 32-5 (c) concerning vehicles and containers.
- (h) There shall be no open burning of garbage by any person.

- (i) Construction and demolition debris (C&D) landfills.
Anyone wishing to operate a C&D landfill shall do so in accordance with article III of this chapter covering C&D landfills and with the state solid waste management rules, 15A NCAC 13B.
- (j) Use of solid waste containers shall be in accordance with the following :
 - (1) Solid waste convenience centers are maintained at Numerous sites throughout the county for the convenience of county residents on land owned or leased by the county. Solid wastes may be deposited in the solid waste convenience centers only in accordance with this chapter.
 - (2) All solid waste shall be deposited inside the solid waste convenience centers. No solid waste may be left at the solid waste disposal site outside the convenience center.
 - (3) Commercial, industrial, and institutional solid wastes may not be deposited in the county-owner solid waste convenience centers.
 - (4) The following wastes may not be deposited in solid waste containers:
 - a. Hazardous wastes.
 - b. Liquid wastes.
 - c. Infectious wastes.
 - d. Radioactive wastes.
 - e. Dead animals.
 - f. Tires.
 - g. Construction and demolition wastes.
 - h. Burning or smoldering materials or any other materials that would create a fire hazard.
 - i. Infectious, hazardous, and radioactive wastes, which shall be disposed of according to written procedures approved by the state division of health services.
 - j. Wet sludge.
 - k. Any solid waste that creates a difficult operational problem at the landfill.
 - l. Cable, wire, springs, steel, and similar materials in large quantities or in lengths exceeding three feet.
 - m. Lead-acid batteries.
 - n. Used oil.
 - o. Yard trash, except in landfills qualified for such use as described by the appropriate regulations

promulgated by state waste management or other appropriate governmental entities.

- p. White goods.
- q. Antifreeze.
- r. Beverage cans.
- s. Any other material prohibited by state or federal law.

No person may remove any item from a solid waste container, climb on or into a container, damage, or willfully set fire to or attempt to set fire to contents of a container.

- (k) Disposal of waste tires. The uncontrolled storage and/or disposal of waste tires presents a health and safety hazard. Tires are not suitable for burial in a sanitary landfill nor for burning in a municipal solid waste incinerator. All waste tires in the county must be delivered to a county landfill or other collection point designated by the landfill superintendent and deposited there to be transported to a tire disposal facility where they can be disposed of in an environmentally acceptable way. This subsection is not intended to prevent any Individual, company, or other entity from developing an environmentally acceptable method for tire disposal. Any such proposal for an alternate disposal method shall be submitted to the department of utilities and engineering for review and final approval by the board of commissioners.
- (l) Disposal of dead animals. It shall be the duty of the owner or person in charge of any domesticated animal which dies of any cause and the owner, lessee, or person in charge of any land upon which any domesticated animal dies to bury the animal to a depth of at least two feet beneath the surface of the ground within 24 hours after knowledge of the death of the domesticated animal or to otherwise dispose of the animal in a manner approved by the state veterinarian. It shall be a violation of G.S. 106-403 to bury any dead domesticated animal closer than 300 feet to any flowing stream or public body of water. Dead animals may be disposed of at the county landfill for a fee as prescribed by the board of commissioners, Monday through Friday between the hours of 8:00 a.m. and 4:00 p.m. The state department of transportation (DOT) has jurisdiction over the disposal of any dead animal located on or within the state department of transportation's right-of-way. All costs incurred by a municipality or county in

the removal of a dead domesticated animal shall be recoverable from the owner of such animal or from the owner of such animal or from the owner, lessee, or person in charge of the land upon which the animal was illegally disposed and upon admission of ownership or conviction. The term "domesticated animal" as used in this subsection shall include poultry. (Code 1995, § 505.06)

Sec. 32-7. Bond, insurance; permit fee; transferability of license; jurisdiction of chapter.

- (a) The applicant, upon being awarded the right to collect and dispose of solid waste by the board of commissioners as provided for in this chapter, shall secure and present to the county manager a good and sufficient surety bond or liability insurance policy covering and insuring the payment of such damages as may be done by the licensee to the premises or property upon which he may enter for the purpose of collecting or disposing of solid waste, in the sum of not less than \$1,000.00, together with an insurance policy in an amount, determined by the county manager, to not be less than the amount the county carries upon itself, insuring the licensee and his employees from personal injury and property damages that may be occasioned by occupational hazards. Such policy shall contain a hold harmless clause indemnifying the county against claims made against the licensee.
- (b) The licensee shall pay to the county the sum of \$1.00 for the issuance of each permit.
- (c) No license existing or granted under this chapter shall be sold, assigned, pledged or transferred, nor shall control thereof be changed by stock transfer or otherwise or any rights thereunder leased, nor shall any merger of combination affecting the license be made through acquisition or control by stock purchase or otherwise, except after application for and written approval, which shall be given if justified by the facts then existing.
- (c) Any and every license issued shall be subject to this chapter and as it may be amended from time to time, except any amendment that may be made from time to time affecting the duration of a license existing at the time of the enactment of the amendment. Any license transferred or assigned without the express written authority of the board of commissioners shall be void and of no effect, and any collection thereunder is in violation, of this chapter. (Code 1995, § 505.07)

Sec. 32-8. Violations and penalties.

- (a) *Criminal penalty.* Any persons violating this chapter shall be guilty of a misdemeanor punishable in accordance with section 1-14.
- (b) *Civil penalty.* Any person who is found in violation of this Chapter shall be subject to a civil penalty of not more than \$500.00 as provided by G.S. 153A-123. Each day's violation shall be treated as a separate offense.
- (c) *Equitable remedies.* This chapter may be enforced by equitable remedies, and any unlawful condition existing by injunction and order of abatement in accordance with G.S. 153A-123 or 153A-140. (Code 1995, § 505.08)

Sec. 32-9. Reservation of rights.

The board of commissioners expressly reserves the right to require the source separation of materials from solid waste prior to collection of the solid waste for disposal and require participation in a recycling program which has been approved by the board of commissioners. (Code 1995, § 505.09)

Sec. 32-10. Appeals.

Appeals concerning the interpretation and enforcement of sections 32-1, 32-6, and 32-8 and articles II and III of this chapter shall be conducted in accordance with G.S. 130A-24. appeals should be directed to the director of the county health department. (Code 1995, § 505.10)

Secs. 32-11—32-35. Reserved.

ARTICLE II. LAND-CLEARING AND INERT DEBRIS (LCID) LANDFILLS

Sec. 32-36. Authority.

The authority to regulate land-clearing and inert debris (LCID) Landfills is pursuant to G.S. 130A-294 (a) (5c), 153A-121—153A-123, 153-136, 153A-140, and 130A-309.09. The department of environment, health, and natural resources, division of solid waste management, shall retain exclusive authority and responsibility for assessment of administrative penalties under the solid waste management rules, 15A NCAC 13B.0700. (Code 1995, § 505.40)

Sec. 32-37. Notification and permit.

All persons shall make application to the county prior to constructing, opening, or operating any land-clearing

and inert debris (LCID) landfill. Land-clearing and inert debris landfills which are two acres or less in size shall be permitted by the county and shall submit a LCID landfill notification form to the state division of solid waste management prior to constructing, opening, or operating the landfill. Land-clearing and inert debris landfills which are larger than two acres must be permitted by the state division by making application to the state division of solid waste management with notification to the county. Permitting and operations of all land-clearing and inert debris landfills must be in accordance and shall conform to the state solid waste management rules, 15A NCAC 13B.0560--.0566. (Code 1995, § 505.41)

Sec. 32-38. Operating conditions; exceptions.

- (a) Land-clearing and inert debris (LCID) landfills which are two acres or less in size may be permitted by the county if the fill activity meets the following conditions:
 - (1) The facility and practices comply with the siting criteria under rule .0564 and operational requirements under rule .0566 of the state solid waste management rules, 15A NCAC 13B. The rules require in part: location out of the 100-year floodplain and not in any wetland; placed above the seasonal high water table; located a minimum of 50 feet from all surface waters, 100 feet from any property line, and 100 feet from residential dwellings, commercial or public buildings; and 100 feet from any well. Operational plans shall be approved and followed, surface water shall be diverted, open burning is prohibited, and the facility must be adequately secured by means of gates, chains, berms, fences, etc., with a sign posted at the entrance with a minimum letter size of four inches stating "Authorized Persons Only" and "No Trespassing—Keep Out."
 - (2) The facility must meet the applicability requirements for land-clearing/inert debris (LCID) landfills, rule .0563 of the state solid waste management rules, 15A NCAC 13B. The rule requires in part a signed notification form and proper filing in the office of the register of deeds with copies sent to the state division of solid waste management.
 - (3) The facility may only be used for the purpose of disposal of land-clearing debris, concrete, brick, concrete block, uncontaminated soil, used pavement asphalt, gravel and rock, untreated and unpainted

wood, and yard trash. The facility may not be used for the disposal of construction and demolition debris.

- (4) The permit shall be issued for not more than five years.
- (b) Notification and permitting is not required for land-clearing and inert debris which is acceptable as waste and disposed of at the county landfill. (Code 1995, § 505.42)

Sec. 32-39—32-65. Reserved.

ARTICLE III. CONSTRUCTION AND DEMOLITION DEBRIS (C&D) LANDFILLS*

Sec. 32-66. Authority.

The authority to regulate construction and demolition debris (C&D) landfills is pursuant to G.S. 130A-194 and pursuant to the state solid waste management rules, 15A NCAC 13B. (Code 1995, § 505.60)

Sec. 32-67. Permit.

- (a) A landfill operated for disposal of construction and demolition debris must meet the permit requirements outlined in sections .0503 and .0504 of the state solid waste management rules, 15A NCAC 13B, with the following exceptions:
 - (1) Location distances from airport runways do not apply because this waste type is not putrescible.
 - (2) A liner-leachate collection system is not required.
- (b) Architects, contractors, and any persons contracting such construction and demolition activities should include in the contract the cost to reuse recyclable materials and properly dispose of nonrecyclable materials. (Code 1995 § 505.61)

Sec. 32-68. Beneficial fill.

In accordance to state solid waste management rules, 15A NCAC 13B.0562, a permit is not required for beneficial fill activity that meets all of the following conditions:

- (1) The fill material consists only of inert debris strictly limited to concrete, brick, concrete block, used pavement asphalt, uncontaminated soil, rock, and gravel. Construction and demolition debris and land-clearing debris are not beneficial fill material.
- (2) The fill activity involves no excavation.
- (3) The purpose of the fill activity is to improve land use potential or other approved beneficial reuses.
- (4) The fill activity is not exempt from and must comply with all other applicable federal, state, and local laws, ordinances, rules, and regulations, including but not limited to zoning restrictions, floodplain restrictions, wetland restrictions, zoning regulations, and sedimentation and erosion control regulations. Fill activity shall not contravene groundwater standards. (Code 1995, § 505.75)

Secs. 32-69—32-95. Reserved.

ARTICLE IV. INDIVIDUAL DEMOLITION DEBRIS DISPOSAL SITES

Secs. 32-96. Authority.

In accordance to G.S. 130A-301.2, a person may dispose of demolition debris in an on-site landfill having a disposal area of one acre or less. (Code 1995, § 505.80)

Secs. 32-97. Standards of operation.

- (a) A person may dispose of demolition debris generated on land that the person owns in a landfill that is located on the same parcel or tract of land and that has a disposal area of one acre or less without obtaining a permit from the department of environment, health, and natural resources if the requirements of this article are met. A person may not dispose of demolition debris in a landfill to which this article applies unless the board of commissioners, county environmental health section, approves the landfill. If the landfill is to be located within a city or within the extraterritorial jurisdiction of a city, the applicant must furnish a letter granting approval from the governing board of the city to the board of commissioners, county environmental health section. The landfill will be approved if:
 - (1) The landfill is located at least one-quarter mile from any other landfill of any type.
 - (2) The perimeter of the landfill is at least 50 feet

From the property boundary.

- (3) The perimeter of the landfill is at least 500 feet from the nearest drinking water well.
 - (4) The waste disposal area of the landfill is at least four feet above the seasonal high groundwater table.
 - (5) The landfill will comply with all applicable federal, state, and local laws, regulations, rules, and ordinances.
- (b) Demolition debris may be disposed in a landfill to which this article applies without being separated into demolition debris components. No waste other than that generated by the demolition of a building or other structure shall be disposed of in the landfill.
- (c) The owner or operator of the landfill shall close the landfill within 30 days after the demolition is completed or terminated. The owner or operator shall compact the demolition debris and cover it with at least two feet of compacted earth. The cover of the landfill shall be graded to minimize water infiltration, promote proper drainage, and control erosion. Erosion of the cover shall be controlled by establishing suitable vegetative cover.
- (d) No building shall be located or constructed immediately above any part of a landfill to which this article applies. no construction, except for site preparation and foundation work, shall be commenced on a parcel or tract of land on which a landfill to which this section applies is located until the landfill is closed.
- (e) Within 30 days of the closure of the landfill or at least 30 days before the land or any interest in the land on which the landfill is located is transferred, whichever is earlier, the owner of record of the land on which the landfill is located shall file with the county register of deeds a survey plat of the property that meets the requirements of G.S. 47-30. The plat shall accurately show the location of the landfill and shall reference this section. A certified copy of the plat showing the book and page number where recorded shall be filed with the county environmental health section office and with the state department of environment, health, and natural resources at the same time that the certified copy of the notice required by subsection (f) of this section is filed with the county environmental health section office and with the state department of environment, health, and natural resources.

- (f) Within 30 days of the closure of the landfill or at least 30 Days before the land or any interest in the land on which the landfill is located is transferred, whichever is earlier, the owner of record of the land on which the landfill is located shall file with the county register of deeds a notice that a landfill for the disposal of demolition debris has been located on the land. The notice shall include a description of the land that would be sufficient as a description of the land that would be sufficient as a description in an instrument of conveyance. The notice shall list the owners of record of the land at the time the notice is filed and shall reference the book and page number where the deed or other instrument by which the owners of record acquired title is located. The notice shall reference the book and page number the survey plat required by subsection (e) of this section is recorded. The notice shall reference this section, shall describe with particularity the type and size of the building or other structure that was demolished, and shall state the dates on which the landfill opened and closed. The notice shall be executed by the owner of record as provided in G.S. ch. 47. The county register of deeds shall record the notice and index it in the grantor index under the name of the owner or names of the owners of the land. The owner shall file a certified copy of the notice showing the book and page number where recorded, together with a certified copy of the survey plat as required by subsection (e) of this section, with the county environmental health section and the state department of environment, health, and natural resources and shall pay a filing fee to the state department of environment, health, and natural resources within 15 days after the notice is recorded.
- (g) When the land or any portion of the land on which the landfill is located is sold, leased, conveyed, or transferred, the deed or other instrument of transfer shall contain in the description section, in no smaller type than that used in the body of the deed or instrument, a statement that the property has been used as a landfill for the disposal of demolition debris. The statement shall include a reference to this section and to the book and page number where the notice required by subsection (f) of this section is recorded.
- (h) The county board of commissioners, county environmental Health section, will ensure that the requirements of subsections (a) through (g) of this section are met for any individual demolition debris disposal site in the county. (Code 1995, § 505.81)

Sec. 32-98. Permit.

An application must be made to the county environmental health section for any individual demolition debris disposal site.

The owner must meet the requirements and conditions in this article in their entirety before a permit will be issued by the county environmental health section. Approved landfills may only receive waste generated from the demolition of a building or structure located on the same property. The owner must satisfy all closure and post-closure requirements of section 32-97. (Code 1995, § 505.82)